

AMENDED IN SENATE JUNE 30, 1999

AMENDED IN ASSEMBLY MAY 28, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 771

Introduced by Assembly Member Briggs

(Principal coauthor: Senator Peace)

(Coauthors: Assembly Members Aanestad, Battin, Campbell, Dickerson, House, Leach, Oller, Robert Pacheco, Runner, and Zettel)

(Coauthors: Senators Johannessen and Knight)

February 24, 1999

An act to amend Sections 1808, 1810, 12800.5, and 13005.5 of the Vehicle Code, relating to the Department of Motor Vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 771, as amended, Briggs. Vehicles: driver's licenses: identification cards: photographs and physical characteristics.

Under existing law, a driver's license or identification card is required to bear a fullface engraved picture or photograph of the licensee or applicant and other information concerning the licensee or applicant, including information pertaining to the licensee's or applicant's physical characteristics. The Department of Motor Vehicles is authorized to sell information from its records, with specified exceptions.

This bill would prohibit the department from distributing or selling, without the licensee's or applicant's permission, the

licensee's or applicant's picture or photograph or any information pertaining to the licensee's or applicant's physical characteristics to any private individual, *other than the licensee or applicant, or to any firm, copartnership, association, or corporation.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1808 of the Vehicle Code is
2 amended to read:

3 1808. (a) Except where a specific provision of law
4 prohibits the disclosure of records or information or
5 provides for confidentiality, all records of the department
6 relating to the registration of vehicles, other information
7 contained on an application for a driver's license,
8 abstracts of convictions, and abstracts of accident reports
9 required to be sent to the department in Sacramento,
10 except for abstracts of accidents where, in the opinion of
11 a reporting officer, another individual was at fault, shall
12 be open to public inspection during office hours. All
13 abstracts of accident reports shall be available to law
14 enforcement agencies and courts of competent
15 jurisdiction.

16 (b) The department shall make available or disclose
17 abstracts of convictions and abstracts of accident reports
18 required to be sent to the department in Sacramento, as
19 described in subdivision (a), if the date of the occurrence
20 is not later than the following:

21 (1) Seven years for any violation designated as two
22 points pursuant to Section 12810.

23 (2) Three years for accidents and all other violations.

24 (c) The department shall make available or disclose
25 suspensions and revocations of the driving privilege while
26 the suspension or revocation is in effect and for three
27 years following termination of the action or
28 reinstatement of the privilege, except that drivers license
29 suspension actions taken pursuant to Sections 13202.6 and
30 13202.7, or Section 256 or 11350.6 of the Welfare and

1 Institutions Code shall be disclosed only during the actual
2 time period in which the suspension is in effect.

3 (d) The department shall not make available or
4 disclose any suspension or revocation that has been
5 judicially set aside or stayed.

6 (e) The department shall not make available or
7 disclose personal information about any person unless the
8 disclosure is in compliance with the Driver's Privacy
9 Protection Act of 1994 (18 U.S.C. Sec. 2721 et seq.).
10 However, any disclosure is subject to the prohibition in
11 paragraph (2) of subdivision (a) of Section 12800.5.

12 SEC. 2. Section 1810 of the Vehicle Code is amended
13 to read:

14 1810. (a) Except as provided in Sections 1806.5,
15 1808.2, 1808.4, 1808.5, 1808.7, 1808.8, and paragraph (2) of
16 subdivision (a) of Section 12800.5, the department may
17 permit inspection of, or sell, or both, information from its
18 records concerning the registration of any vehicle or
19 information from the files of drivers' licenses at a charge
20 sufficient to pay the actual cost to the department for
21 providing the inspection or sale of the information,
22 including, but not limited to, costs incurred by the
23 department in carrying out subdivision (b), with the
24 charge for the information to be determined by the
25 director. This section does not apply to statistical
26 information of the type previously compiled and
27 distributed by the department.

28 (b) (1) With respect to the inspection or sale of
29 information concerning the registration of any vehicle or
30 of information from the files of drivers' licenses, the
31 department shall, by regulation, establish administrative
32 procedures under which any person making a request for
33 that information shall be required to identify himself or
34 herself and state the reason for making the request. The
35 procedures shall provide for the verification of the name
36 and address of the person making a request for the
37 information, and the department may require the person
38 to produce that information as it determines is necessary
39 to ensure that the name and address of the person is the
40 true name and address. The procedures may provide for

1 a 10-day delay in the release of the requested information.
2 The procedures shall also provide for notification to the
3 person to whom the information primarily relates, as to
4 what information was provided and to whom it was
5 provided. The department shall, by regulation, establish
6 a reasonable period of time for which a record of all the
7 foregoing shall be maintained.

8 (2) The procedures required by this subdivision do not
9 apply to any governmental entity, any person who has
10 applied for and has been issued a requester code by the
11 department, or any court of competent jurisdiction.

12 (c) With respect to the inspection or sale of
13 information from the files of drivers' licenses, the
14 department may require both the full name of the driver
15 and either the driver's license number or date of birth as
16 identifying points of the record, except that the
17 department may disclose a record without two
18 identifying points if the department determines that the
19 public interest in disclosure outweighs the public interest
20 in personal privacy.

21 (d) With respect to the inspection or sale of
22 information from the files of drivers' licenses, certificates
23 of ownership, and registration cards, the department
24 shall not, for a fee or otherwise, allow copying by the
25 public.

26 SEC. 3. Section 12800.5 of the Vehicle Code is
27 amended to read:

28 12800.5. (a) (1) A license shall bear a fullface
29 engraved picture or photograph of the licensee.

30 (2) Notwithstanding any other provision of law, the
31 department shall not, without the prior permission of the
32 licensee, distribute or sell the licensee's picture or
33 photograph or any information pertaining to the
34 licensee's physical characteristics to any private
35 individual, *other than the licensee, or to any firm,*
36 copartnership, association, or corporation.

37 (b) A license, including a temporary license issued
38 pursuant to Section 12506, shall bear the following notice:
39 "This license is issued as a license to drive a motor vehicle;

1 it does not establish eligibility for employment, voter
2 registration, or public benefits.”

3 (c) The department may demand proof of age prior to
4 the issuance of a license.

5 SEC. 4. Section 13005.5 of the Vehicle Code is
6 amended to read:

7 13005.5. (a) An identification card issued to any
8 person shall bear a fullface engraved picture or
9 photograph of the person.

10 (b) Notwithstanding any other provision of law, the
11 department shall not, without the prior permission of the
12 applicant, distribute or sell the applicant’s picture or
13 photograph or any information pertaining to the
14 applicant’s physical characteristics to any private
15 individual, *other than the applicant, or to any* firm,
16 copartnership, association, or corporation.

